

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

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**HUAWEI TECHNOLOGIES CO. LTD.,**

**Plaintiff,**

**v.**

**T-MOBILE US, INC. and  
T-MOBILE USA, INC.,**

**Defendants,**

**NOKIA SOLUTIONS AND NETWORKS  
US LLC, NOKIA SOLUTIONS AND  
NETWORKS OY,  
TELEFONAKTIEBOLAGET LM  
ERICSSON, and ERICSSON INC.**

**Intervenors.**

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**Civil Action Nos. 2:16-cv-00052-JRG-RSP  
2:16-cv-00055-JRG-RSP  
2:16-cv-00056-JRG-RSP  
2:16-cv-00057-JRG-RSP**

**JURY TRIAL DEMANDED**

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**PLAINTIFF HUAWEI TECHNOLOGIES CO. LTD'S OPPOSED MOTION TO  
SUPPLEMENT THE RECORD PURSUANT TO FED. R. CIV. P. 44.1**

During the hearing on August 22, 2017, the Court indicated that it may resolve certain issues of foreign law rather than sending those issues to the jury. In its briefing, Huawei gave the Court excerpts from its foreign law expert, Professor Philippe Stoffel-Munck. [See Case No. 16-cv-00052, Dkt. 257, Ex. 4; Case No. 16-cv-00055, Dkt. 246, Ex. 4; Case No. 16-cv-00056, Dkt. 248, Ex. 4; Case No. 16-cv-00057, Dkt. 242, Ex. 4.] In an effort to avoid burdening the Court with additional papers, Huawei only submitted those pages of the report that it referenced in its pleadings. In hindsight, however, Huawei recognizes that because this is an issue of foreign law that the Court must resolve, it may better assist the Court to have the full legal analysis of Professor Stoffel-Munck at its disposal.

Federal Rule of Civil Procedure 44.1 gives the Court broad authority to consider “any relevant material or source, including testimony, whether or not submitted by a party or admissible under the Federal Rules of Evidence.” Pursuant to Rule 44.1, and if the Court believes the material would be of assistance, Huawei respectfully requests leave to submit the entirety of Professor Stoffel-Munck’s declaration – a declaration of 24 pages, as contrasted with the 11 pages that Huawei submitted with its briefing. The full declaration is attached hereto as Exhibit A. Huawei can also submit the exhibits to the Stoffel-Munck report if it would assist the Court, though at this time Huawei only seeks leave to submit the declaration itself. Huawei notes that T-Mobile has already submitted the entirety of the declaration of its foreign law expert with its briefing. [*See, e.g.*, Case No. 16-cv-00052, Dkt. 282, Ex. 33.]

Dated: August 28, 2017

Respectfully submitted,

By: /s/ David M. Barkan

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**COUNSEL FOR PLAINTIFF HUAWEI  
TECHNOLOGIES CO. LTD.**

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**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule CV-7(h), counsel for movant Huawei Technologies Co. Ltd, contacted counsel for Defendants T-Mobile US, Inc. and T-Mobile USA, Inc., and Intervenor, Nokia Solutions and Networks US LLC, Nokia Solutions and Networks Oy, Telefonaktiebolaget LM Ericsson, and Ericsson Inc., and was informed they oppose Huawei's Opposed Motion to Supplement the Record Pursuant to Fed. R. Civ. P. 44.1.

Dated: August 28, 2017

/s/ David M. Barkan

David M. Barkan

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on August 28, 2017 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ David M. Barkan

David M. Barkan